

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the  
Commission's Own Motion into Competition for  
Local Exchange Service.

Rulemaking 95-04-043  
(Filed April 26, 1995)

Order Instituting Investigation on the  
Commission's Own Motion into Competition for  
Local Exchange Service.

Investigation 95-04-044  
(Filed April 26, 1995)  
**(FCC Triennial Review  
Nine-Month Phase)**

**ADMINISTRATIVE LAW JUDGE'S RULING  
SHORTENING TIME FOR RESPONSES AND REPLIES TO MOTION**

On March 1, 2005, a joint motion was filed by MCI, Inc., The Utility Reform Network, Blue Casa Communications, Inc., Wholesale Air-Time, Inc., Anew Communications Corp d/b/a Call America, TCAST Communications, and CF Communications LLC d/b/a Telekenex (Joint Movants). In the Motion, Joint Movants claim that Pacific Bell Telephone Company, by and through its parent company SBC Communications (SBC), has announced that beginning on March 11, 2005, SBC will reject all orders for new lines utilizing the unbundled network element platform (UNE-P) and stop processing requests for moves, adds, and changes for a competitive local exchange carrier's (CLEC's) existing customer base. SBC will take this action pursuant to its interpretation of the legal effect of the Federal Communications Commission's recently issued Triennial Review Remand Order, released on February 4, 2005. The Joint Movants thus seek a Commission order forbidding SBC from rejecting such UNE-P orders

pending compliance with the change of law provisions in the respective Interconnection Agreements.

The Joint Movants concurrently filed a request for an order shortening time to respond to the motion by no later than 5 p.m., Friday, March 4, 2005. Joint Movants claim that such shortening of time for a response is necessary in order to enable the Commission to issue Joint Movants' requested relief prior to SBC's implementation of its planned action to reject Joint CLECs' UNE-P orders beginning on March 11, 2005. Joint Movants argue that the shortening of time is therefore necessary to avoid substantial harm to the competitive marketplace and to consumers that Joint Movants allege would result from SBC's planned actions.

Joint Movants argue that SBC should have anticipated the filing of Joint Movants' Motion, and probably have already taken time to prepare its response because MCI, Inc. declared its intent on February 18, 2005, to seek relief on the grounds set forth in the Motion if SBC failed to provide assurances as sought by MCI, Inc.

In view of the time constraints outlined, Joint Movants' request for an order shortening time for responses to the Motion is hereby granted.

In addition, I am going to request that two questions be addressed in responses, aside from whatever else those responding may choose to offer. They are:

1. Paragraph 227 of the TRRO states "This transition period shall apply only to the embedded customer base, and does not permit competitive LECs to add new UNE-P arrangements using unbundled access to local circuit switching pursuant to section 251(c)(3) except as otherwise specified in this Order." What does the highlighted text refers to, that is, what exceptions are noted in the TRRO?

2. When paragraph 227 refers to only applying to the embedded customer base, does that mean a customer or a connection? That is, if a customer currently served by UNE-P arrangements wants to add additional lines, can those additional lines be provisioned by UNE-P during the transition time or does it prohibit any new UNE-P arrangements, even for an existing UNE-P served customer?

I am also going to authorize in advance a reply by Movants to the response with respect to these two questions, such reply being due no later than 5 p.m. on Monday, March 7, 2005.

**IT IS RULED** that:

1. Joint Movants' request for an order shortening time for responses to their Motion filed on March 1, 2005 is hereby granted.
2. Responses to the Motion of Joint Movants shall be due no later than 5 p.m. on March 4, 2005.
3. Replies to responses addressing the two questions set forth above shall be due no later than 5 p.m. on March 7, 2005.

Dated March 2, 2005, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Shortening Time for Responses and Replies to Motion on all parties of record in this proceeding or their attorneys of record.

Dated March 2, 2005, at San Francisco, California.

/s/ KE HUANG

Ke Huang

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.